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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/564,153

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EXAMINER

BOCHNA, DAVID

ART UNIT

PAPER NUMBER

3679

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/564,153	<b>Applicant(s)</b> ASAKAWA ET AL.	
	<b>Examiner</b> David E. Bochna	<b>Art Unit</b> 3679	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-20 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3-7, 11-13 and 16-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3, it is unclear how the joint main body has a "split-level part" when portion 55 does not have a split level on its interior or exterior surface.

Claim 4, it is unclear how the first inclined surface and the second inclined surface can both be inclined toward a direction of insertion when surfaces 32 and 34 are inclined in opposite directions.

Claim 4, it is unclear what is meant by the phrase "and is disposed farther radially inward with increased distance from the first inclined surface". Increased distance in which direction and relative to which other component?

Claim 7, it is unclear how the joint main body has a "split-level part" when portion 55 does not have a split level on its interior or exterior surface.

Claim 12, it is unclear how the joint main body has a "split-level part" when portion 55 does not have a split level on its interior or exterior surface.

Claim 17, it is unclear how the joint main body has a "split-level part" when portion 55 does not have a split level on its interior or exterior surface.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 9 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Castrup '731.

In regard to claim 1, Castrup discloses a pipe joint, comprising:

A joint main body 20 having a joining hole with an inside surface configured to receive a pipe 17 and a threaded part formed on an outer surface;

a nut 22 threaded onto the threaded part in a threaded state; and

a sleeve 11 dimensioned to be received in the joining hole to a specific position when the nut is in the threaded state and the pipe is inserted in the joining hole, such that the nut 22 retains the pipe in the joining hole via the sleeve 11 tightly engaging the pipe and the joint main body by the threading of the nut onto the threaded part to the threaded state, with the sleeve 11 being deformed to expand radially outward, and to prevent subsequent insertion of the sleeve into the joining hole (once the sleeve 11 breaks away from 1 it will not be able to be reinserted into the joint body after disassembly) to the specific position in a subsequent unthreaded state in which the pipe and the sleeve have been pulled out from the joining hole after the nut has been threaded on which the pipe and the sleeve have been pulled out from the joining hole after the nut has been threaded onto the threaded part to reach the threaded state in which the sleeve has been deformed.

In regard to claim 2, wherein the sleeve has a radially external portion with a split-level part 11, 2, with the split level part 11, 2 being engageable on the joint main body (see fig. 5), such that insertion of the sleeve into the joining hole to the specific position is prevented after the sleeve has been deformed by the nut being in the threaded state (the sleeve can't be reinserted after being deformed because it is no longer attached to 1).

In regard to claims 9 and 14, wherein said joint main body includes an opposing surface 20 that faces a side surface of said nut 22 when said nut is screwed onto said threaded part; and said side surface of said nut and said opposing surface of said joint main body are dimensioned to form a gap in the threaded state to obtain an appropriate tightening torque for screwing said nut onto said threaded part.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Castrup.

In regard to claims 10 and 15, Castrup discloses that the pipe 17 is made from a metal material (cross hatching of fig. 5), but Castrup does not disclose the specific type of metal used to make the pipe wall. However, it would have been obvious to one of ordinary skill in the art to make the pipe from copper or stainless steel because it is common and well known in the art to make pipes from these materials and the selection of a known material based upon its suitability

for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

***Allowable Subject Matter***

7. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 3-7, 11-13 and 16-20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bamberger et al., Do et al., Reich et al., Moreiras et al., Gold, Gold '376, Avery, Schroder, Appleton, Woodling and Stover all disclose similar couplings common in the art.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (571) 272-7078. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David E. Bochna/  
Primary Examiner, Art Unit 3679